IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 499 of 2002 (M/B)

Kichha Sugar Company Ltd.,
Kichha, District Udham Singh Nagar,
Through its Executive Director. …… Petitioner

Versus

1. Union of India,
through Secretary, Ministry of Consumer Affairs,
Food and Public Distributions, Directorate of Sugar,
Krishi Bhawan, New Delhi.
2. Chief Director (Sugar),
Govt. of India,
Ministry of Consumer Affairs and
Public Distributions, Directorate of Sugar,
Krishi Bhawan, New Delhi.
3. Food Corporation of India,
through Managing Director,
16-20 Barakhamba Lane,
New Delhi.
4. The Senior Regional Manager,
Food Corporation of India,
5/6 Habibullah Estate, Hajarat Ganj,
Lucknow. …….. Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.
Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.).

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Pankaj Purohit, Advocate for the petitioner.

Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.) for respondents Nos. 1 and 2.

None for respondents Nos. 3 and 4.

2. The petitioner has filed this writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay a sum of Rs. 19,60,209.52 (Rs. Nineteen lacs sixty thousand two hundred nine and paise fifty two only) along with

interest @ 15% per annum from the date it became due in favour of the petitioner.

b. Issue any suitable order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

c. Award costs of the writ petition throughout."

3. Petitioner Sugar Company filed Writ Petition No. 1220 of 1980 in the Allahabad High Court, which was finally decided on 26.04.1989. A bank guarantee of an amount of Rs. 77,46,379.60/- was furnished in Allahabad High Court in compliance of the interim orders passed in the said writ petition. Out of the said amount of Rs. 7746,379.60/-, a sum of Rs. 57,86,171.08/- was released in favour of third respondent Food Corporation of India, which amount, admittedly, has been refunded to the petitioner Sugar Company by the Food Corporation of India. Admittedly, the balance amount of Rs. 19,60,208.52 (Rupees Nineteen Lakhs Sixty Thousand Two Hundred Eight and Paise Fifty Two only), sought by the petitioner to be released in his favour, is lying with the Registrar of Allahabad High Court. The petitioner became entitled to refund of the above amount by virtue of the order of the Apex Court dated 22.09.1993 (Annexure 5).

4. In our opinion, it would be appropriate for the petitioner to file an appropriate petition before the High Court of Allahabad for a suitable direction to the Registrar of Allahabad High Court for refund of the amount of Rs. 19,60,208.52/- (Rupees Nineteen Lakhs Sixty Thousand two Hundred Eight and Paise Fifty Two only) lying with the Registrar of Allahabad High Court.

5. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
10.04.2006 **10.04.2006**

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